

**S4118-C** LIU Same as [A 5254-C](#) Weprin

New York City Administrative Code

TITLE....Relates to the repair or replacement of damaged residential lateral sewer and water pipes

**This bill is not active in the current session.**

02/28/19 REFERRED TO CITIES  
04/10/19 AMEND AND RECOMMIT TO CITIES  
04/10/19 PRINT NUMBER 4118A  
04/30/19 REPORTED AND COMMITTED TO FINANCE  
04/30/19 AMEND AND RECOMMIT TO FINANCE  
04/30/19 PRINT NUMBER 4118B  
05/21/19 1ST REPORT CAL.861  
05/22/19 2ND REPORT CAL.  
05/29/19 ADVANCED TO THIRD READING  
06/06/19 AMENDED ON THIRD READING 4118C  
06/12/19 PASSED SENATE  
06/12/19 DELIVERED TO ASSEMBLY  
06/12/19 referred to codes  
06/20/19 substituted for a5254c  
06/20/19 ordered to third reading cal.516  
06/20/19 passed assembly  
06/20/19 returned to senate  
12/06/19 DELIVERED TO GOVERNOR  
12/13/19 VETOED MEMO.217

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## VETO MESSAGE - No. 217

TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 4118-C, entitled:

"AN ACT to amend the administrative code of the city of New York, in relation to repair or replacement of damaged residential lateral sewer and water pipes"

NOT APPROVED

This bill would vest the New York City Department of Environmental Protection (DEP) with the authority to investigate whether the infrastructure, electric current, or other activity of a public utility company was the cause of significant damage to residential water and sewer pipes. The bill would also permit DEP to impose the costs of repair and replacement of damaged pipes on public utility companies. The DEP would be the sole arbiter of damages and the bill would require the cooperation of public utility companies with any requests made by DEP. In addition, the utility companies would be responsible for paying for DEP's costs.

The bill, which adopts a muddled liability standard for a specific type of property damage claims, does not contain basic due process provisions such as the right to a hearing, the right of affected homeowners to intervene, and the right to appeal DEP's decision, among numerous other shortcomings. The bill further does not recognize the potential for a conflict of interest since the authority to investigate public utilities and collect costs would be triggered by DEP's own actions.

When a public utility causes damage to water or sewer pipes, that utility should have to bear the cost of repairing the harm they have caused. However, replacing the current method of determining fault in this way is inadvisable, unfair, and inefficient.

Due to the fact that the bill provides an incomplete legal remedy, fails to provide basic due process protections, and would raise the potential for a conflict of interest, this bill must be vetoed.

The bill is disapproved.

(signed) ANDREW M. CUOMO

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